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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Carlos MELGAR-Lago,** Defendant	Magistrate Docket No. '07 MJ 2482 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **October 15, 2007** within the Southern District of California, defendant, **Carlos MELGAR-Lago,** an alien, who previously had been excluded, deported and removed from the United States to **El Salvador**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **17th** DAY OF **OCTOBER, 2007**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

JPMG

CONTINUATION OF COMPLAINT:
Carlos MELGAR-Lago

PROBABLE CAUSE STATEMENT

On October 15, 2007, at approximately 6:00 P.M., Senior Patrol Agent O. Eberle was performing his assigned duties in the area of Tecate, California. Agent Eberle responded to a sensor activation in Bell Valley. This area is located approximately five miles east of the Tecate, California Port of Entry and a half mile north of the United States/ Mexico International Border. Senior Patrol Agent J. Gregory was positioned on a highpoint above Bell Valley and spotted seven individuals running north from Agent Eberle's location. Agent Eberle followed Agent Gregory's directions and headed north for approximately 400 yards, where he encountered several individuals attempting to conceal themselves in brush. Agent Eberle identified himself as United States Border Patrol Agent in the English and Spanish language and questioned each individual, including one later identified as the defendant **Carlos MELGAR-Lagos**, as to their citizenship. Each subject admitted that they were citizens and nationals of Mexico and that they were not in possession of any U.S. immigration documents that would allow them to remain or enter into the United States legally. All subjects were arrested and transported to the U.S. Border Patrol Tecate Field Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **El Salvador** on **March 5, 2003** through **Phoenix, Arizona.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. During the interview, the defendant stated that he is a citizen and national of El Salvador. The defendant stated that he last entered into the United States on October 15, 2007 and that he knew he entered illegally. He also stated that he entered to look for work in Los Angeles, California.

[signature]
William McCurine Jr.
United States Magistrate Judge

10/17/07, 0921 hrs
Date/Time

[signature]
James Trombley
Senior Patrol Agent